

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATEO ABARCA-URIOSTEGUI,

Defendant.

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Case No. 8:07CR208

ORDER

This case is before the court on the government's Motion for Release of Material Witnesses from the Custody of the United States Marshal's Service to Immigration and Customs Enforcement (#103). Douglas R. Semisch, Assistant United States Attorney, represented the United States of America and David O'Neill, Assistant Federal Public Defender, represented Mateo Abarca-Uriostegui, who was present. Hearing was held on the government's motion and the defendant's Objection to Motion for Release of Material Witnesses from the Custody of the U.S. Marshal's Service to Immigration and Customs Enforcement (#104). I find the government's Motion for Release of Material Witnesses should be granted.

IT IS ORDERED:

1. The depositions of the named juvenile material witnesses have been taken pursuant to Title 18, U.S.C. § 3144, Rule 15 of the Federal Rules of Criminal Procedure, and Title 8, U.S.C. § 1324(b).

2. The further detention of the named juvenile material witnesses is not necessary to prevent a failure of justice.

3. The government's Motion for Release of Material Witnesses (#103) is granted and the juvenile material witnesses are ordered released from the custody of the United States Marshal's Services.

4. The defendant's Objection to the Motion for Release (#104) is denied.

5. Defendant's oral Motion to Stay the enforcement of the Order pending appeal is denied.

Dated this 20th day of June 2007.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge